

**EPSTEIN DRANGEL LLP**

Peter J. Farnese (SBN 251204)

[pfarnese@ipcounselors.com](mailto:pfarnese@ipcounselors.com)

11601 Wilshire Blvd., Suite 500

Los Angeles, California 90025

Telephone: 310-356-4668

Facsimile: 310-388-1232

Kerry B. Brownlee

[kbrownlee@ipcounselors.com](mailto:kbrownlee@ipcounselors.com)

60 East 42nd Street, Suite 1250

New York, NY 10165

Telephone: 212-292-5390

Facsimile: 212-292-5391

*Pro Hac Vice*

*Attorneys for Plaintiff*

*HDMI Licensing Administrator, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

HDMI LICENSING ADMINISTRATOR, INC.,

Plaintiff,

v.

AVAILINK INC.

Defendant.

CASE NO.: 4:22-cv-06947-HSG

**STIPULATED REQUEST TO EXTEND  
DEADLINE TO RESPOND TO  
COUNTERCLAIMS PURSUANT TO  
LOCAL RULE 6-2 AND ORDER**

Complaint Filed: November 7, 2022

1 Pursuant to Civil Local Rule 6-2, Plaintiff HDMI Licensing Administrator, Inc. (“Plaintiff” or  
2 “HDMI LA”), through its counsel of record, and Defendant Availink Inc. (“Defendant” or “Availink”)  
3 (collectively, the “Parties”), stipulate as follows:

4 WHEREAS, Plaintiff’s Complaint was filed on November 7, 2022;

5 WHEREAS, Defendant agreed to waive formal service of the Summons and Complaint;

6 WHEREAS, pursuant to the executed Waiver of Service of Summons, Defendant had up to and  
7 including April 12, 2023 to respond to the Complaint;

8 WHEREAS, on April 12, 2023, Defendant filed a partial motion to dismiss the Complaint  
9 (specifically, Counts II-IV) (*Dkt No. 30*) (the “Motion”);

10 WHEREAS, the Motion is pending before the Court, and a hearing regarding the same is  
11 scheduled for October 12, 2023, which will also serve as the Case Management Conference;

12 WHEREAS, on September 1, 2023, Defendant filed an Answer to the Complaint, which  
13 includes Counterclaims (*Dkt. No. 49*);

14 WHEREAS, pursuant to Fed. R. Civ. P. 12(a), Plaintiff has up to and including September 21,  
15 2023 to respond to Defendant’s Counterclaims;

16 WHEREAS, in order to provide adequate time for Plaintiff to confer with its counsel, and to  
17 prepare an appropriate response to Defendant’s Counterclaims, and due to a number of other  
18 preexisting obligations of Plaintiff’s counsel, among other things, Plaintiff requires additional time to  
19 consider and appropriately respond to Defendant’s Counterclaims;

20 WHEREAS, the Parties have agreed to a 30-day extension of Plaintiff’s deadline to respond to  
21 Defendant’s Counterclaims from September 21, 2023 up to and including October 23, 2023;

22 WHEREAS, the Parties previously requested, and were granted, three adjournment requests  
23 (*Dkt. Nos. 13, 15, 43-44, 46-44*);

24 WHEREAS, neither of the Parties nor the Court will be prejudiced by the enlargement of  
25 Plaintiff’s deadline to respond to the Counterclaims; and

26 WHEREAS, the extension of time sought herein will not alter the date of any event or other  
27 outstanding deadline because a scheduling order has not yet been entered, and, aside from the hearing  
28 regarding Defendant’s Motion and the parties’ Case Management Conference (both scheduled for

1 October 12, 2023), which is not to be impacted by this stipulation, no other dates are currently fixed by  
2 the Court.

3 NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, IT IS HEREBY  
4 STIPULATED by and between the Parties, pursuant to Local Rule 6-2 that Plaintiff's deadline to  
5 respond to Defendant's Counterclaims will be extended from September 21, 2023 up to and including  
6 October 23, 2023.

7  
8 Dated: September 13, 2023

**EPSTEIN DRANGEL LLP**

By: /s/ Kerry Brownlee  
Kerry Brownlee  
*Attorney for Plaintiff*

11  
12 Dated: September 13, 2023

**KING & WOOD MALLESONS**

By: /s/ Vincent Filardo, Jr.  
Vincent Filardo, Jr.\*\*  
*Attorney for Defendant*


15 \*\* Pursuant to Civ. L.R. 5-1(i)(3), the  
16 filer of the document has obtained  
approval from this signatory.

**ORDER**

Having read and considered the Stipulated Request to Extend Deadline to Respond to Counterclaims Pursuant to Local Rule 6-2 ("Stipulated Request"), and for good cause shown, the Stipulated Request is approved. Plaintiff shall have up to and including October 23, 2023 to respond to Defendant's Counterclaims at *Dkt. No. 49*.

**IT IS SO ORDERED.**

Date: 9/14/2023

  
Honorable Judge Haywood S. Gilliam, Jr.  
United States District Judge